

### REMARKS

The Official Action mailed February 22, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 16, 2006; October 17, 2006; August 13, 2007; and April 9, 2008.

Claims 1-6 were pending in the present application prior to the above amendment. Claims 1-6 have been canceled without prejudice or disclaimer, and new claims 8 and 9 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 8 and 9 are now pending in the present application, both of which are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1, 3 and 6 under 35 U.S.C. § 112, second paragraph, asserting that "the phrase 'wherein the calculation unit operates to search a route between two consecutive locations in the via-sequence, and when a link or node to be passed through during congested time slots are included in data for the route between the two consecutive locations, the calculation unit further operates to change the value of cost information of the congested link or node to a predetermined greater value and thereafter to re-search a route between the two consecutive locations' renders the claim indefinite because it is unclear." In response, claims 1-6 have been canceled without prejudice or disclaimer; therefore, the above-referenced rejections are now moot.

The Applicant respectfully submits that new claims 8 and 9 particularly point out and distinctly claim the subject matter which applicant regards as the invention and are

definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 1-6 as obvious based on the combination of EP 1 106 968 to Mannesmann, JP 08-094374 to Sunaga and U.S. Publication No. 2002/0082771 to Anderson. Claims 1-6 have been canceled without prejudice or disclaimer; therefore, the above-referenced rejections are now moot. Also, with respect to new claims 8 and 9, the Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of new independent claims 8 and 9. Specifically, claims 8 and 9 recite that a stay time is added, that the stay time is stored for each genre and that it is judged

whether an arrival time matches a guide time slot. These features are supported in the present specification, for example, as follows:

(i) As to the "genre", a stay time and guide time slot for each genre are described in a table of location conditions based on genre 15 (page 13, line 15, to page 14, line 2).

(ii) The adding process of stay time for each genre at any passing location is based on the following description (page 36, line 23, to page 37, line 4):

... [t]he route pattern generation unit 51 adds the stay time at the first via-location stored in a table of location conditions based on genre 15 to the arrival time of the earlier first location, and further references the route search data 16 and the route search condition data 18 to obtain an arrival time at the second location. In addition, the route pattern generation unit 51 repeats such addition processing of stay times and addition processing of travel times between two locations based on the route search data 16 and the route search condition data 18, until arrival times for all locations including the last are obtained.

(iii) Judging the matching with a guide time slot at each location is based on the following descriptions (page 26, lines 24-26, and page 37, lines 9-14):

... More specifically, the guide time slot associated with genres of the subsequent location (condition of arrival time at each location) is compared to the arrival time at the subsequent location (step S9). ... [t]he route pattern generation unit 51, as judgment means and first judgment means, compares the arrival time at each location in the route pattern to guide time slots according to genre of each location registered in the table of location conditions based on genre 15 (step S24).

The Applicant respectfully submits that the present invention is unique in having the following technical features:

(a) Making a via-sequence, which is obtained by removing a place that is being congested or may be congested, from a via-sequence passing through specified locations.

(b) Reforming arrival times calculation by adding to an arrival time a stay time based on a genre (a classification of locations such as "restaurant") of a specified location.

(c) Storing a guide time slot for each genre of a specified location.

(d) Removing a route for which an arrival time condition is not matched, for example, a route for which a guide time slot including a stay time for a genre of a location is not matched.

The Applicant respectfully submits that Mannesmann, Sunaga and Anderson, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Mannesmann, Sunaga and Anderson do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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